

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WORKING DIRT LLC,

Plaintiff,

vs.

BERNARD T. FLORES, BENJAMIN FLORES,

Defendants.

Case No.: 13-CV-2653 YGR

**ORDER GRANTING MOTION TO REMAND AND
REMANDING ACTION**

Bernard T. Flores and Benjamin Flores were defendants in an unlawful detainer action (“UD Action”) in San Mateo County Superior Court, which entered judgment against them and in favor of Plaintiff Working Dirt LLC. (*See* Plaintiff’s Request for Judicial Notice [“RJN”] Ex. 3 [“State Court Judgment”] [Dkt. No. 11-4].)¹ On June 10, 2013, Defendants, through counsel, removed the UD Action to this Court. (Not. of Removal [Dkt. No. 1]). On June 25, 2013, Plaintiff moved to remand the UD Action back to state court. (Dkt. No. 11.) Defendants’ opposing brief was due July 9, 2013. (*See* Civ. L.R. 7-3(a).) None was filed.

Defendants have not attempted to identify a basis for federal subject-matter jurisdiction. (*See* Not. of Removal (two sentences long, citing only 28 U.S.C. § 1446(d), the provision that requires state courts to take no action on removed cases unless and until they are remanded).) Nor does the Court find that a basis for federal subject-matter jurisdiction exists. (*See* RJN Ex. 2 [Plaintiff’s state court “Complaint for Unlawful Detainer,” which sets forth only a single state-law cause of action and prays for relief in the amount of \$80.00].) Moreover, because the state court already entered judgment against Defendants, the case is concluded except for execution of the judgment. Thus, no controversy exists for this Court to adjudicate.

¹ The Court takes judicial notice of the State Court Judgment. (Fed. R. Ev. 201; *Harris v. Cnty. of Orange*, 682 F.3d 1126, 1132 (9th Cir. 2012).)

1 Accordingly, for good cause showing, the Court **GRANTS** Plaintiff's Motion to Remand and
2 **REMANDS** this case to the Superior Court for San Mateo County. This Order disposes of the Motion
3 to Remand. Accordingly, Plaintiff's request to have it heard on shortened time (Dkt. No. 13) is
4 **DENIED AS MOOT**. The hearing set for July 30, 2013 is **VACATED**.

5 This Order terminates docket entries 11 and 13.

6 **IT IS SO ORDERED.**

7
8 Dated: July 12, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE